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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,986	08/20/2003	Peter H. McDonald	CS-21,295	4994

7590 10/11/2005

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EXAMINER

VERSTEEG, STEVEN H

ART UNIT	PAPER NUMBER
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1753

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,986

Applicant(s)

MCDONALD, PETER H.

Examiner

Steven H. VerSteeg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 4-7 are objected to because of the following informalities: "a space needs inserted between "claim" and the number in line 1 of claims 4 and 6. The limitation was correct in the previous submission of the claims, so it appears to be a minor transcribing error. Claims 5 and 7 depend from claim 6 and contain all of the limitations of claim 6. Therefore, claims 5 and 7 are objected to for the same reasons as claim 6. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4-8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,030,514 to Dunlop et al. (Dunlop) in view of US 6,187,151 B1 to Leiphart and US 5,846,389 to Levine et al. (Levine).

4. For claim 1, Applicant requires a method of dry treating a target surface prior to using the target for sputtering comprising preparing a target assembly and securing the target assembly in a vacuum chamber of a magnetron sputtering apparatus; energizing the magnetic component of the magnetron sputtering apparatus with a power between about 0.2 kW and about 4 kW for a period of time between about 4 and about 30 minutes to produce a surface dry treatment of a sputtering ion plasma on an exposed surface of the target to effectively reduce inherently undesirable impurities on the surface; removing the treated target assembly from the magnetron sputtering

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apparatus; and preparing the packaging the target assembly for subsequent use in a sputtering deposition process.

5. For claim 16, Applicant requires a magnetron sputtering apparatus comprising a vacuum chamber with a surface defining an opening adapted for securing a removable target assembly; support structure surrounding the opening of the vacuum chamber and spaced outside of the securing means for the removable target; a rotating magnet assembly secured to the support structure and disposed over the opening and adapted to be spaced apart from the removable target assembly; motor means for rotating the magnet assembly; and power means for energizing the magnet assembly.

6. Dunlop discloses pretreating a sputtering target assembly and then preparing and packaging the assembly for shipment to be subsequently used in a sputtering process (col. 5, l. 27-35). Dunlop does not disclose the specifics of the treatment method prior to packaging.

7. Leiphart discloses cleaning a sputtering target by placing the target in the chamber (Figure 1) and energizing the plasma to 500 watts (example) to clean the target in a plasma.

8. Levine discloses that when sputtering, it is beneficial to use a rotating magnetron behind a target in an apparatus that has an opening for removing and supplying the target so that the plasma will be evenly distributed over the target surface to achieve uniform target erosion (Figure; col. 3, l. 25-33).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dunlop to utilize the pretreatment process taught by Leiphart because the pretreatment is the conventional pretreatment necessary before the sputtering target is utilized.

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10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dunlop to utilize a magnetron behind the target because of the desire to achieve a uniform cleaning of the target surface.

11. The time period for cleaning the target surface would not require undue experimentation because one would simply run the process until the target is cleaned.

12. For claim 3, Applicant requires the time period to be 8-10 minutes and the power to be 0.2 kW to 0.4 kW. A power of 500 watts is about 0.4 kW and the time is obvious.

13. For claim 4, Applicant requires the target to be treated in an inert atmosphere. Leiphart burns-in in an inert atmosphere (Example).

14. For claim 5, Applicant requires the inert atmosphere to contain argon. Leiphart uses argon (col. 3, l. 24-25).

15. For claim 6, Applicant requires placing the target in an enclosure to protect it during storage. For claim 7, Applicant requires the enclosure to be a metallic enclosure and to further place it in another enclosure. Dunlop places the target in a metallic enclosure and then a plastic enclosure (col. 5, l. 26-35).

16. For claim 8, the target is titanium. Leiphart discloses a titanium target (Example).

17. Claims 2, 10-15, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,030,514 to Dunlop et al. (Dunlop) in view of US 6,187,151 B1 to Leiphart and US 5,846,389 to Levine et al. (Levine) as applied to claim 1 above, and further in view of US 2003/0089601 A1 to Ding et al. (Ding).

18. For claims 2 and 17, Applicant requires the magnetron to be rotatable and the magnetic component to be disposed on less than a 180-degree arc measured at the axis of rotation of the

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apparatus so as to produce a rotatable sputtering ion plasma on the target. Dunlop in view of Leiphart and Levine discloses rotating the magnetron, but does not disclose the magnetron to be on less than 180 degrees.

19. Ding discloses a sputtering apparatus comprising a rotating magnetron system comprising a magnetron that comprises less than 180 degrees (Figure 1) with corresponding side magnets (Figure 1) that provides the benefit of smaller rotating magnetron is that the target power density can be maximized and results in uniform target erosion [0017].

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dunlop in view of Leiphart and Levine to utilize a magnetron that is less than 180 degrees and rotates because of the desire to maximize the target power density and have uniform target erosion.

21. For claim 10, Applicant requires assembling the assembly into a sputtering apparatus to coat the substrate and then sputtering with the burn-in time reduced by 10%. It would have been obvious to assembly the target into an apparatus and use the target. Reducing the burn-in time by 10% would be inherent.

22. For claims 11 and 14, Applicant requires the time period to be 8-10 minutes and the power to be 0.2 kW to 0.4 kW. A power of 500 watts is about 0.4 kW and the time is obvious.

23. For claims 12 and 15, Applicant requires the target to comprise titanium. Leiphart discloses a titanium target (Example).

24. For claim 13, Applicant requires a treated target assembly made by the method of claim

2. Dunlop in view of Leiphart and Levine discloses a target.

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25. For claim 19, Applicant requires the vacuum chamber to comprise a bottom support plate, an upper support plate defining the opening and viton vacuum seal side enclosure. For claim 20, Applicant requires a removable target assembly secured into the opening of the upper support plate. Dunlop in view of Leiphart and Levine discloses the limitation.

26. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,030,514 to Dunlop et al. (Dunlop) in view of US 6,187,151 B1 to Leiphart and US 5,846,389 to Levine et al. (Levine) as applied to claims 2 and 17 above, and further in view of US 6,187,457 B1 to Arai et al. (Arai).

27. For claims 9 and 18, Applicant requires the magnet component to be FeNdB. Dunlop in view of Leiphart and Levine does not disclose the magnet component.

28. Arai discloses that using a FeNdB magnet component in a magnetron is common in the art and therefore obvious (col. 6, l. 50-57).

Response to Amendment

29. The 112-second paragraph rejection of claim 5 presented in the office action mailed April 11, 2005 is withdrawn in light of the amendment.

30. The 103(a) rejection of claims 1, 3, 4-8, and 16 over Dunlop in view of Leiphart and Levine presented in the office action mailed April 11, 2005 stands.

31. The 103(a) rejection of claims 2, 10-15, 17, 19, and 20 over Dunlop in view of Leiphart and Levine and further in view of Ding presented in the office action mailed April 11, 2005 stands.

32. The 103(a) rejection of claims 9 and 18 over Dunlop in view of Leiphart and Levine and further in view to Arai.

Response to Arguments

33. Applicant's arguments filed September 26, 2005 have been fully considered but they are not persuasive.

34. Applicant has argued that Leiphart does not disclose conditioning the target prior to its use in a sputtering deposition process. I disagree. Leiphart discloses cleaning the target surface. Granted, it is at a point during a process, but the fact remains that it is cleaning. Dunlop, on the other hand, generically discloses that cleaning the target is necessary before packaging.

Therefore, Dunlop can use ANY cleaning method. Leiphart discloses such a cleaning method. It seems obvious to modify Dunlop to utilize the cleaning method of Leiphart because Dunlop can use ANY cleaning method.

35. Applicant then argues that the target of Leiphart would not be used with the target of Dunlop because Dunlop's target is already conditioned. I believe you are looking at the situation incorrectly. Both targets are not utilized. Only Dunlop's target is used. Leiphart teaches how to clean the target of Dunlop before packaging.

36. Applicant has argued that Levine does not cure alleged deficiencies of Leiphart because Levine does not disclose treatment of the target. Levine teaches the rotating magnetron. The purpose of Levine is not to teach the treatment of the target. Levine is used solely to teach the rotating magnetron.

37. Applicant then argues that Ding and Arai do not teach treatment of the target. Ding is used to teach magnetron limitation, not the treatment. Arai teaches the magnet itself. Applicant argues that Arai does not teach a magnet for a sputtering system. I disagree. Arai discloses the magnet for a magnetron in a sputtering system (col. 6, l. 35-57).

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38. Applicant finally argues a 102(b)/103(a) rejection involving Leiphart, but no such rejection exists.

General Information

For general status inquiries on applications not having received a first action on the merits, please contact the Technology Center 1700 receptionist at (571) 272-1700.

For inquiries involving Recovery of lost papers & cases, sending out missing papers, resetting shortened statutory periods, or for restarting the shortened statutory period for response, please contact Denis Boyd at (571) 272-0992.

For general inquiries such as fees, hours of operation, and employee location, please contact the Technology Center 1700 receptionist at (571) 272-1300.

Conclusion

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H. VerSteeg whose telephone number is (571) 272-1348. The examiner can normally be reached on Mon - Thurs (6:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven H VerSteeg
Primary Examiner
Art Unit 1753

shv
October 6, 2005